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10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 **JORGE GARCIA,**

Petitioner,

15  
16 **v.**

17 **ROBERT HOREL, Warden,**

18  
19 Respondent.

C 07-06012 JSW

**DECLARATION OF STAN  
HELFMAN IN SUPPORT OF  
MOTION FOR EXTENSION  
OF TIME TO FILE ANSWER**

20  
21 Stan Helfman states under penalty of perjury:

22 (1) I am a Supervising Deputy Attorney General for the state of California and I  
23 represent respondent in this matter.

24 (2) According to the Order to Show Cause, Garcia was convicted by a jury of  
25 premeditated attempted murder, assault with a firearm, and various firearms and gang enhancements,  
26 and was sentenced to twenty-five years to life in state prison.

27 (3) The California Court of Appeal affirmed the judgment and denied a habeas corpus  
28 petition. According to Garcia's federal petition, the California Supreme Court denied a petition for

1 review.

2 (4) On November 28, 2007, petitioner, who is represented by counsel, filed a petition for  
3 writ of habeas corpus in this Court.

4 (5) The petition makes numerous claims of prosecutorial misconduct, ineffective  
5 assistance of counsel, and cumulative error.

6 (6) On November 29, 2007, this court issued an Order to Show Cause directing  
7 respondent to file an answer. On March 7, 2008, this court modified the Order to Show Cause to  
8 require filing of an Answer by April 27, 2008. On April 17, 2008, this court extended our time to  
9 June 26, 2008.

10 (7) Despite my best intentions, I have been unable to complete preparation of our  
11 pleading. It was necessary for me to complete pleadings in *People v. Primas*, A116667, *Townsend*  
12 *v. Adams*, C 07-04904, *People v. Parra*, A119864. At the same time, in my capacity as a supervisor,  
13 it was necessary for me to review numerous lengthy draft pleadings prepared by other deputies in  
14 this office. I must prepare pleadings in *People v. Phillips*, A118601, *Magraff v. Ayers*, CIV S 07-  
15 1121, *Guillory v. Hornbeck*, C 07-5090. I am working on *Magraff*.

16 For the foregoing reasons, we respectfully request an extension of time of 60 days, to and  
17 including August 25, 2008, in which to answer the petition.

18 (8) This is our second request for extension of time.

19 (9) On June 19, 2008, I informed petitioner's counsel, Paul McCarthy, (510-836-0100)  
20 of this request and he stated he has no objection.

1 Dated: June 19, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.  
Attorney General of the State of California

4 DANE R. GILLETTE  
Chief Assistant Attorney General

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Senior Assistant Attorney General

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8  
9 /s/ Stan Helfman  
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